

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JACK DEMPSEY TILLMAN, JR.,

Defendant-Appellant.

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UNPUBLISHED

June 29, 2004

No. 245442

Saginaw Circuit Court

LC No. 02-021838-FC

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TERRENCE VERNELL WILLIAMS,

Defendant-Appellant.

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No. 245443

Saginaw Circuit Court

LC No. 02-021840

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

SAEJAR DEONTE PARKER,

Defendant-Appellant.

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No. 245894

Saginaw Circuit Court

LC No. 02-021841-FC

Before: Hoekstra, P.J., and O'Connell and Donofrio, JJ.

HOEKSTRA, P.J., (*concurring in part and dissenting in part*).

I respectfully dissent from that part of the majority opinion that holds that the prosecution presented sufficient evidence to convict defendant Parker of felon in possession of a firearm. From my review of the evidence, I conclude that other than mere presence, the prosecution failed

to produce any evidence to show that defendant possessed, constructively or otherwise, the weapons associated with this incident. A person's mere proximity to contraband is insufficient, by itself, to prove possession. *People v Wolfe*, 440 Mich 508, 520; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992).

In this case, the inability of the prosecution to establish defendant Parker's involvement in the principal charges of assault with intent to murder or conspiracy to commit murder,<sup>1</sup> or to show any connection to the weapons other than mere presence and the possibility of access by virtue of his presence, in my judgment causes a finding of guilt on the charge of felon in possession of a firearm to be unsustainable.

In all other respects, I concur and join with the majority.

/s/ Joel P. Hoekstra

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<sup>1</sup> The trial court granted defendant Parker's motion for a directed verdict on the assault and conspiracy charges.